THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.25106 OF 2007

DATED: 27.11.2007

Between:

S. Parvathi

.. Petitioner

And

Depot Manager, APSRTC,
Parvathipuram, Vizianagaram
District.

.. Respondent

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.25106 OF 2007

ORDER:

It appears, the late husband of the petitioner, who was working as driver with the respondent Corporation, was provided with an alternative employment i.e. appointed as Shramik, on medical grounds of defective eye vision, as per the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short 'the Act'), with effect from 08.02.2007. Subsequently, he died on 08.09.2007, while in service. While so, the grievance of the petitioner is that, while providing alternative employment, the pay last drawn by her husband shall be protected, as required under Section 47 of the Act, but the same was not done and the respondent fixed lesser pay than what her husband was drawing while working as driver, and the representations filed by her husband in this regard went in vain. The petitioner contends that her husband was entitled for the difference of pay from the date of appointment as Shramik till the date of his death, with all consequential benefits.

2. In the facts and circumstances of the case, without expressing any opinion on merits, the respondent is directed to consider payment of difference of pay between the last drawn pay of the husband of the

petitioner as driver and the pay fixed on his appointment as Shramik on medical grounds, for the period from the date of his appointment as Shramik till the date of his death, and also consider payment of other benefits, and pass appropriate orders, as per law, within a period of six weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

3. With the above direction, the writ petition is disposed of. No order as to costs.

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JUSTICE C.V. RAMULU

27th November, 2007.

Note:-

Issue C.C. in one week.

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